

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re: : Case No. 06-50928
Northwest Construction, Inc. : Chapter 7
Debtor. : Judge John E. Hoffman, Jr.

**MOTION FOR AN ORDER REOPENING THE CASE; DIRECTING
APPOINTMENT OF TRUSTEE; AND DISPENSING WITH NOTICE**

Larry J. McClatchey, former Trustee in the above-named closed case, moves this Court for an Order Reopening the Case and Directing Appointment of a Trustee pursuant to 11 U.S.C. §§350(b), Rule 5010 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 5010-1. The grounds supporting this Motion are set forth in the following Memorandum in Support.

Respectfully submitted,

/s/Larry J. McClatchey
Larry J. McClatchey (0012191)
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Trustee and Attorney for Trustee

MEMORANDUM IN SUPPORT

Northwest Construction, Inc. ("Debtor") filed a Petition for Relief under Chapter 7 of the Bankruptcy Code on March 13, 2006. Larry J. McClatchey was appointed Trustee on or about March 16, 2006.

The Trustee filed his Report of No Distribution on September 21, 2006, and the Court closed this case on September 21, 2006.

On September 22, 2014, Trustee was informed of an asset of the estate which should be administered for the benefit of creditors. The Cuyahoga Court of Common Pleas has entered an Order preliminarily approving a proposed settlement with the Bureau of Worker's Compensation concerning over payment of premiums. Trustee has filed an application to recover the Debtor's portion of those settlement funds (the "Settlement"). However, the value of said asset is unknown at this time.

Law and Argument

The former Trustee seeks to reopen the case to administer the Settlement. 11 U.S.C. §554(d) provides as follows:

Unless the court orders otherwise, property of the estate that is not abandoned under this section and that is not administered in the case remains property of the estate.

The purpose of §554(d) is to preclude abandonment by mere operation of law of property not listed in the Debtor's schedules. Therefore, the Debtor's interest in the asset remains property of the bankruptcy estate.

Section 350(b) permits the reopening of a closed case to "administer assets." In the instant case, it is necessary and appropriate to reopen the case for the benefit of creditors. Additionally, it is necessary for the Office of the U.S. Trustee to promptly appoint a Trustee to protect the interest of creditors and to ensure efficient administration of the case.

Trustee submits that the reopening of this case and administration of this asset will result in a significant distribution to creditors. The only administrative costs will be Trustee compensation and reasonable and necessary expenses. It may be necessary for the Trustee to employ legal counsel for review of documents relating to the Settlement.

WHEREFORE, Larry J. McClatchey respectfully requests that this Court enter an Order Reopening the Case; Directing the Appointment of a Trustee and Dispensing with Notice in order to administer property of the estate for the benefit of creditors.

Respectfully submitted,

/s/Larry J. McClatchey
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Trustee and Attorney for Trustee

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2015 a copy of the foregoing *Motion for an Order Reopening the Case; Directing Appointment of Trustee; and Dispensing with Notice* was served electronically through the Court's ECF System at the email address registered with the Court:

Asst US Trustee (Col) ustpreion09.cb.ecf@usdoj.gov
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and on the following by ordinary US Mail addressed to:

SEE ATTACHED EXHIBIT A

/s/Larry J. McClatchey
Larry J. McClatchey

EXHIBIT A

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